

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STATE OF NEW YORK,

Plaintiff,

-v-

CHAD F. WOLF, *in his official capacity as Acting
Secretary of Homeland Security*, et al.,

Defendants.

No. 20 Civ. 1127 (JMF)

R. L'HEUREUX LEWIS-MCCOY et al., *on behalf of
themselves and all similarly situated individuals*,

Plaintiffs,

-v-

CHAD WOLF, *in his official capacity as Acting
Secretary of Homeland Security*, et al.,

Defendants.

No. 20 Civ. 1142 (JMF)

~~PROPOSED~~ STIPULATION
AND ORDER

WHEREAS, on February 5, 2020, the Acting Secretary of Homeland Security advised the New York State Department of Motor Vehicles that New York residents would no longer be eligible to enroll or re-enroll in U.S. Customs and Border Protection's ("CBP's") Trusted Traveler Programs, and that the export of New York-titled vehicles would be delayed and costlier (the "TTP Decision");

WHEREAS, the State of New York initiated *New York v. Wolf*, No. 20 Civ. 1127 (JMF) (S.D.N.Y.), and a number of individuals representing a now-certified class of New York residents initiated *Lewis-McCoy v. Wolf*, No. 20 Civ. 1142 (JMF) (S.D.N.Y.), challenging the TTP Decision under the Administrative Procedure Act and the United States Constitution;

WHEREAS, on July 23, 2020, the Department of Homeland Security announced the rescission of the TTP Decision;

WHEREAS, on October 13, 2020, the Court issued an order vacating and remanding the TTP Decision, and directing the parties to confer and submit a joint letter addressing whether there is a need or basis for additional relief;

WHEREAS, in a letter dated October 20, 2020, plaintiffs expressed their intention to seek further relief from the Court, and sought an expedited briefing schedule on their anticipated application unless “Defendants can state that they will not re-institute a ban on Trusted Traveler Program enrollment before this Court has had an opportunity to consider Plaintiffs’ request for injunctive relief”; and

WHEREAS, on October 21, 2020, the Court entered an order adopting the plaintiffs’ briefing schedule and inviting the parties to modify that schedule if defendants “would provide Plaintiffs with the assurances they seek pending a final ruling” on plaintiffs’ anticipated application;

NOW, THEREFORE, IT IS STIPULATED AND AGREED, by and between the parties, as follows:

1. CBP will not re-institute a ban on Trusted Traveler Program enrollment for New York residents before this Court has had an opportunity to consider plaintiffs’ request for injunctive relief.

2. The parties’ briefing schedule on plaintiffs’ anticipated application shall be amended as follows, upon the Court’s entry of this stipulation:

- By November 13, 2020, plaintiffs will file their motion for additional relief.
- By December 7, 2020, defendants will file an opposition to plaintiffs’ motion.

- By December 14, 2020, plaintiffs will file any reply in support of their motion.

3. This stipulation contains the entire agreement between the parties, and any statements, representations, promises, agreements, or negotiations, oral or otherwise, between the parties that are not included herein are of no force or effect.

4. If not approved and entered by the Court, this stipulation shall be null and void, with no force or effect.

5. The stipulation may be executed in one or more counterparts.

Dated: October 23, 2020
New York, New York

LETITIA JAMES
Attorney General of the State of New York

Dated: October 23, 2020
New York, New York

AUDREY STRAUSS
Acting United States Attorney for
the Southern District of New York

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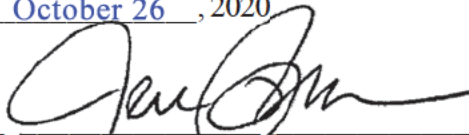
Dated: October 26, 2020
New York, New York

By: /s/ Antony P.F. Gemmell
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Attorneys for the Class-Action Plaintiffs

SO ORDERED:

Dated: New York, New York
October 26, 2020



THE HONORABLE JESSI . FURMAN
UNITED STATES DISTRICT JUDGE